

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BILL LEWIS,

No. C 06-02315 CRB

Plaintiff,

**ORDER DENYING MOTION TO  
VACATE SETTLEMENT**

v.

JOHN E. POTTER,

Defendant.

Now pending before the Court is the motion of pro se plaintiff Bill Lewis to set aside the settlement in this action. Plaintiff claims that he made the Magistrate Judge who facilitated the September 2006 settlement aware that plaintiff agreed to settle because defendant's officials led plaintiff to believe that Nathan Griffins was no longer employed by the United States Postal Service. Plaintiff claims further that he recently learned that Nathan Griffins remained employed by the Postal Service until May or June, 2007.

Plaintiff's motion, which is unaccompanied by any sworn declaration, is DENIED. Plaintiff does not contend that the government made any misrepresentations to him during the settlement proceedings, and the government's sworn declaration in opposition to defendant's motion demonstrates as a fact that it did not. Moreover, as plaintiff concedes, and as is reflected in the declaration submitted by the government, Mr. Griffins is not currently employed by the Postal Service. Even if plaintiff's unsworn allegations are true, he

1 has not demonstrated that he was induced by fraud to enter into the settlement agreement or  
2 that the termination of Mr. Griffins' employment in June 2007 rather than October 2006 is a  
3 material fact that renders the settlement void.

4 **IT IS SO ORDERED.**

5  
6 Dated: December 5, 2007



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE